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OFFICE OF GENERAL  
COUNSEL

# Switalski for Congress

31412 Gay, Roseville, MI 48066

Federal Election Commission  
Washington, D.C. 20463

Dear FEC:

Thank you for your letter postmarked June 23, 2009 in which you provided the details of a complaint (MUR 6198) that my *Switalski for Congress* campaign has violated Campaign Finance laws by me announcing my candidacy for the 12<sup>th</sup> Congressional District at my annual Irish Party on March 23, 2009.

The facts are not in dispute.

I did hold an Irish Party on March 23, 2009. I have held the same party for more than a decade. It was paid for by the *Committee to Elect Michael Switalski State Senator*, and I did announce during the course of the evening that I had decided to run for Congress.

I do not believe I violated the spirit or the letter of the law. I have looked at the Advisory Opinions cited in the complaint and they hardly seem applicable to my humble party, announcement, and campaign.

The party was a fundraiser for my State Senate Committee, *The Committee to Elect Michael Switalski State Senator*, and admission was \$10 per person, with kids admitted free. The admission entitled partygoers to Coney Dogs, pizza, pasta, soup and desserts, along with beer, including Guinness, wine and pop. There was ethnic dancing, along with bagpipers, and face-painting. The party lasted from 6 to 11 pm. Contrary to the assertion in paragraph 32 of the complaint, the party was not "much more elaborate" than prior parties. In an effort to reduce costs, in this tough economy, I dropped the band in favor of CDs played on my home stereo. Unfortunately, I blew out my cheap speakers.

I had the same food and drink and ethnic dancers and bagpipers that I always have. I went back to the smaller hall I started out in, and didn't shell out for the live music, because I wanted to keep it cheap. In the end, it cost about the same amount as the prior party. This is my way of giving my constituents a cheap night out with their family. It is a way to let them forget, for one night, their troubles, the layoffs and the foreclosures, and say thank you to them for their support over the last 20 years.

During the course of the 5-hour evening, I got up on stage several times, to thank people for coming, to apologize for the crowded conditions and temperature, to introduce the various dance groups, and bagpipers, and to describe and thank the food and dessert preparers. At another point, at the request of his daughter, I led a chorus of *Happy Birthday* to Roseville's 80-year old former mayor. About 8 pm, I got up on stage again, and made a 30 second announcement. I said people had been asking me what I was going to do, and I said I was going to run for Congress. So in the course of a 5 hour party, I spent 30 seconds announcing that I had decided to run for Congress.

In fact, all of my stage appearances the entire evening added up to about 7 minutes.

That was the extent of it. There were no banners or balloons emblazoned with "Switalski for Congress." I had no sign up sheets for volunteers. I collected no money for my campaign. I did not ask anyone for their support or assistance. I simply announced my decision. To say this was a

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party to advocate my nomination or election fundamentally mischaracterizes the nature of the party.

I had not yet created a campaign committee for congress. I had not raised any money for congress. I had not spent any money yet. I had considered the option of making this a fundraiser for my Congressional Campaign and had rejected the idea. I wanted to throw my old party one last time before I embarked on a new venture.

Up to the date I announced, several people advised me not to run. They suggested I run for something else. I listened to them all, and weighed my options in the days leading up to the announcement. I considered announcing an exploratory committee. I considered not running. But I knew that until I announced, I had many options. I did not want to commit myself to running until I was sure. I had my state senate committee sponsor the event because it has always sponsored the party, and I was not committed to running for Congress in the months prior to the party when I printed the invitations and tickets. I told myself I would finally decide on that date, and I did decide and announce that evening.

If I had decided not to run, I still would have held my annual Irish Party. Everything would have been the same except I wouldn't have made the 30 second announcement. The party has a life of its own, and does not owe its existence to my congressional run. That is why I think this complaint is fundamentally groundless.

More importantly, I am far too cheap to have ever spent even a dollar on an event to announce my candidacy. If my choices are to announce at an event costing over \$2400, or at a free event on my front porch, I would take the free one. If I had announced it at my niece's birthday party or a neighbor's graduation, would my campaign have had to pay for those parties? It seems to me that my state senate committee was the proper sponsor of the same party it had sponsored for a decade, and my announcement did not alter that relationship.

I fail to see who is harmed by this alleged violation, and why it is brought forward 3 months after the event.

If I had decided to announce my candidacy the day after, the announcement would have been the same. The coverage I got from the press would have been the same. The coverage I got was because I called reporters and told them I was announcing my candidacy. Whether it was at a party or a press conference would have made no material difference in the coverage. No member of the press attended the party anyway. I gave no press interviews during the party. So the party did not generate additional press coverage.

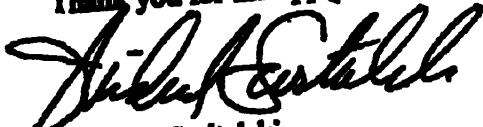
If the charge is I took advantage of a party I throw anyway to tell 500 of my friends all at the same time what I am going to do when my term ends in 2010, I plead guilty. Is there something wrong with that?

I see nothing wrong with that. Am I not allowed to tell people what I am doing after I leave the State Senate? Do I lose my freedom of speech because I am at my own fundraiser? If it was a campaign kickoff party, I could see the point. But to me, this was just informing people of a decision I made about a question I am frequently asked.

I sometimes like to think I am an important person. In inflated moments, I might imagine that people spend restless nights wondering what I am going to do when I leave the state senate. But the reality is that I am not that fascinating. For people who are laid off or getting foreclosed on, my career choices rank low on their list of worries.

Rather, I think people come to my Irish Party because for \$10 they get good food and drink and entertainment for themselves and their kids, and they get to see their friends. So 30 seconds out of 5 hours is about what my announcement deserved.

I hereby notify the Commission that I wish the matter to be made public.  
Thank you for the opportunity to respond to this complaint.

  
Michael Switalski

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